

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

IN RE:

Bladimir Diaz,

Debtor(s)

CASE NO. 16-56038

CHAPTER 13

JUDGE: Mark A. Randon

**FIRST APPLICATION FOR AWARD OF PRE-CONFIRMATION
ATTORNEY FEES IN CHAPTER 13 PROCEEDING**

NOW COMES, Debtor's attorney, Free Bankruptcy Evaluation, P.L.L.C., by Brett A. Border, and pursuant to E.D Mich. LBR 2016-1 and 9014-1, hereby moves this court for approval of an award for attorney fees stating:

1. Debtor filed for Chapter 13 relief on November 30, 2016.
2. The total fee approved to be paid to Debtor's counsel for all services rendered prior to the services set forth in this application was \$600.00 for attorney fees and \$0.00 for expenses for a total of \$600.00, paid either directly by debtor or through the debtor's Chapter 13 Plan by the Chapter 13 Trustee.
3. Debtor's Chapter 13 plan has not yet been confirmed.
4. The legal services rendered herein were necessary to be performed on behalf of the debtor in contemplation of confirmation of this chapter 13 plan.
5. The time period for which such services are sought is November 30, 2016 through February 23, 2016.
6. Pursuant to E.D. Mich. L.B.R. 2016(a)(5), Free Bankruptcy Evaluation, by Lori B. Selvidge and Brett Border performed the following legal services which were necessary to the continuance of the Debtor's Chapter 13 Plan, for which he has yet to be compensated. The benefits achieved included filing the petition and instituting the automatic stay,

review of debtor's financials and property, preparing and filing the chapter 13 schedules and plan, preparing and attending the meeting of creditors, letters and phone calls to debtor regarding trustee motion to dismiss, review of case for motion to dismiss.

5. Pursuant to E.D. Mich. L.B.R. 2016(a)(4), no adversary proceedings were filed or prosecuted in this chapter 13 case.
6. Pursuant to E.D. Mich. L.B.R. 2016(a)(6), no further services will be performed in this chapter 13 case as the case has been dismissed.
8. Debtor's attorney and associates from the firm of Free Bankruptcy Evaluation, P.L.L.C. are the only individuals who performed said services and debtor's attorneys' hourly rate is \$215.00/\$325.00 per hour pursuant to the retainer agreement with debtor.
9. Pursuant to E.D. Mich. L.B.R. 2016(a)(5)(C), there will be no adverse impact to creditors or the chapter 13 plan.

WHEREFORE, Debtor's counsel petitions this court for payment of pre-confirmation attorney fees and costs as an administrative claim paid by the chapter 13 Trustee in the amount of \$1228.00, costs in the amount of \$0.00 for a total compensation inclusive of costs of \$1228.00; Debtor's counsel having previously been approved fees in the amount of \$0.00.

Respectfully Submitted,

Dated: 2/24/17

/s/ Brett Border
Free Bankruptcy Evaluation, P.L.L.C.
Brett Border P65534
Attorney for Debtor(s)
24725 W. Twelve mile, Ste. 110
Southfield, MI 48034
(248) 945-1111
bborder@saveme.com

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ORDER APPROVING FIRST FEE APPLICATION PRE-CONFIRMATION

This matter having come before the Court upon the application of Free Bankruptcy Evaluation., by Brett Border, all interested parties having been served with notice of the application and the provisions of LBR 2016-2 having been met, no objections to the application having been received and a certification of no response having been filed or a hearing having been held and the Court being otherwise fully advised in the premises;

IT IS HEREBY ORDERED:

1. The Court approves Applicant's fees and expenses as follows:

PRIOR AWARD(S) FOR FEES:	\$0.00
PRIOR AWARD(S) FOR COSTS:	\$0.00
TOTAL AWARD TO DATE:	\$0.00
THIS AWARD FOR FEES:	\$1228.00
THIS AWARD FOR COSTS:	\$0.00
TOTAL THIS AWARD:	\$1228.00
AMOUNT PAID DIRECTLY BY DEBTOR:	\$600.00
BALANCE THIS AWARD TO BE PAID AS AN ADMINISTRATIVE CLAIM FROM CH. 13 PLAN:	\$628.00
GRAND TOTAL:	\$1228.00

2. This award covers services rendered and expenses incurred during the time period of November 30, 2016 to February 24, 2017.
3. Debtor's counsel shall serve a copy of this Order upon the Chapter 13 Trustee.
4. The Chapter 13 Trustee shall disburse to Applicant the fees and expenses awarded herein from the funds which first become available, subject to fees due and payable to the Clerk's office and Trustee's fees.
5. To the extent that fees and expenses pursuant to this Order are not disbursed by the Chapter 13 Trustee, they shall be paid directly by the debtor(s) following conversion and/or dismissal of the case.

**SUMMARY STATEMENT OF NUMBER OF HOURS BY EACH
ATTORNEY
AND HOURLY RATE OF SERVICES PERFORMED**

<u>ATTORNEY</u>	<u>NUMBER OF HOURS PERFORMED SERVICE</u>	<u>HOURLY RATE</u>
LBS	4.2	\$215/hour
BAB	1.0	\$325/hour

LBS = Lori B. Selvidge

BAB= Brett A. Border

ITEMIZED STATEMENT OF EXPENSES

STATEMENT OF SERVICES

11/30/2016	LBS	Meet with client, prepare chapter 13 plan and schedules, file chapter 13 plan and schedules	2.5	537.50
12/2/2016	LBS	Telephone message regarding documents	.1	21.5
12/6/2016	LBS	Meet with client, file amended chapter 13 plan	.5	107.5
12/22/2016	LBS	Telephone message regarding documents	.1	21.5
12.29.2016	LBS	Telephone call regarding documents, date and time of drop off	.2	43.0
1/4/2017	LBS	Meeting with client and document drop off	.5	107.5
1/4/2017	LBS	Review, prepare and file stipulation to excuse wage order	.3	64.5
2/13/2017	BB	Review of Trustee MTD, review of chapter 13 network, review of PACER, letter to client regarding motion to dismiss	.5	162.5
2/17/2017	BB	Telephone call with Condo Ass. Regarding payoff of 1 st lien, filing of objection to plan and proof of claim, review of PACER and case status	.5	162.5
TOTAL			5.2hr	1,228.0

**BIOGRAPHICAL STATEMENT PURSUANT TO 11 USC §327(a), E.D. MICH. LBR §2014-1
and E.D. MICH. L.B.R. 2016**

Brett A. Border (BAB) is the senior bankruptcy attorney in the law firm of Free Bankruptcy Evaluation. Brett received his B.A. from Eastern Michigan University in Psychology and Criminology. Brett earned his J.D. from Thomas M. Cooley Law School in 2003. In Law School, he earned the Oral Advocate Award in the intra-school Moot Court competition and interned with the Sixty Plus Law Clinic in Lansing. Brett was licensed to practice law in the State of Michigan in 2003, United States District Court Eastern District of Michigan in 2003, and United States Bankruptcy Court for the Eastern District of Michigan in 2003, the Sixth Circuit Court of Appeals in 2008 and the United States District/Bankruptcy Court for the Western District of Michigan in 2009. Brett has practiced Bankruptcy Law and Consumer Law since 2003 representing thousands of debtors, creditors and the Chapter 13 Trustee Tammy L. Terry in every type of bankruptcy matter including trials and appeals to the District Court and the Sixth Circuit Court of Appeals.

Brett teaches introduction to Bankruptcy at Madonna University and has served as the Editor of the Consumer Bankruptcy Newsletter for the American Bankruptcy Institute. Brett served on the Eastern District of Michigan Bankruptcy Court's committee for Mortgage Modification. Additionally, served on the planning committee for the Veterans Day Seminar for the American Bankruptcy Institute and served on a mortgage modification panel at the ABI conference. Brett is currently a sitting board member for the Consumer Bankruptcy Association. Brett has attended and completed the ABI Central States Workshop each year since 2009 and the Veterans Day Seminar since 2008. Brett has attended workshops on trial practice, appeals, chapter 11 and chapter 13 practice. Brett enjoys running and being with his son and daughter.

\$325 hr.

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Judge Mark A. Randon

**NOTICE TO CREDITORS AND OTHER PARTIES IN INTEREST OF FIRST
APPLICATION FOR AWARD OF PRE-CONFIRMATION ATTORNEY FEES PURSUANT
TO FED. R. BANK. P. 2016 AND NOTICE OF THE RIGHT TO OBJECT**

Notice is hereby given that the following professional person(s) have made an application to the Bankruptcy Court for allowance of fees and expenses as listed below:

<u>Professional</u>	<u>Fees Requested</u>	<u>Expenses Requested</u>
Free Bankruptcy Evaluation	\$ 1228.00	\$0.00

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

PLEASE NOTE: The application is available for public scrutiny at the Clerk's Office on the 21st floor of the 211 West Fort Street Building, Detroit, Michigan, Monday through Friday, from 8:00 a.m. to 4:30 p.m. No hearing will be set before the Court unless a written objection to this application is timely filed with the Clerk of the Bankruptcy Court. If you have any objection, you have twenty - one (21) days from the date of service of this notice in which to file such written objection. In the event an objection is filed, a subsequent notice will be sent to you of the date, time, and location of the hearing on the objection.

If you do not want the court to award these additional attorney fees, or if you want the court to consider your views on the fee application, within 20 days from the date of service, you or your attorney must:

1. File with the court a written response or an answer, explaining your position at:

United States Bankruptcy Court*
211 W. Fort Street, Suite 2100

Detroit, MI 48226

If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

You must also mail a copy to:

Brett Border Esq,
24725 W. Twelve Mile, Ste. 110
Southfield, MI 48034
(248) 945-1111

Krispen S. Carroll
719 Griswold, Ste 1100
Detroit, MI 48226
313-962-5035

2. If a response or answer is timely filed and served, the clerk will schedule a hearing on the application and you will be served with a notice of the date, time and location of the hearing.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Respectfully Submitted,

Dated_2/24/17

BY: /s/ Brett Border
FREE BANKRUPTCY EVALUATION, P.L.L.C.
Brett Border P65534
Attorney for Debtor
24725 West 12 Mile Road
Southfield, MI 48034
248-945-1111
bborder@savedme.com

*Response or answer must comply with F.R.Civ.P.8(b), (c) and (e)